

May 31, 2023

Ms. Ann Carlson
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Side Underride Guards; Docket No. NHTSA-2023-001, Document Number: 2023-0845

Dear Acting Administrator Carlson:

On April 12st, 2023, the National Highway Traffic Safety Administration (“NHTSA”) published in the Federal Register an Advance notice of proposed rulemaking Notice and request for comments on proposed research on side underride guards to better understand their overall effectiveness, and assess the feasibility, benefits, costs, and other impacts of installing side underride guards on trailers and semitrailers (the “Notice”). The Notice summarizes a 2022 NHTSA report (the “2022 Report”) that presents an analysis of the potential effects of a requirement for side underride guards on new trailers and semitrailers. The National Association of Mutual Insurance Companies (“NAMIC”) welcomes the opportunity to respond to this request for comments.

NAMIC membership includes more than 1,500 member companies. The association supports regional and local mutual insurance companies on main streets across America and many of the country’s largest national insurers. NAMIC member companies write \$323 billion in annual premiums. Our members account for 67 percent of homeowners, 55 percent of automobile, and 32 percent of the business insurance markets. Through our advocacy programs we promote public policy solutions that benefit NAMIC member companies and the policyholders they serve and foster greater understanding and recognition of the unique alignment of interests between management and policyholders of mutual companies.

NAMIC is a member of the Board of Directors on both the Insurance Institute for Highway Safety (IIHS) and the Highway Data Loss Institute (HLDI). There are two information collection components to this request. As NHTSA is well aware, IIHS is an independent, nonprofit scientific and educational organization dedicated to reducing deaths, injuries and property damage from motor vehicle crashes through research and evaluation and through education of consumers, policymakers and safety professionals. NHTSA also knows that HLDI shares and supports this mission through scientific studies of insurance data representing the human and economic losses resulting from the ownership and operation of different types of vehicles and by publishing insurance loss results by vehicle make and model.

NAMIC has submitted comments to NHTSA in the past on underride issues and has had the honor of recommending Matthew Brumbelow, IIHS's Senior Research Engineer for membership on the NHTSA Advisory Committee on Underride Protection. NAMIC has consulted with Mr. Brumbelow on this request by NHTSA, as well as a series of underride issues in the past.

On May 19th, IIHS submitted comments to NHTSA on the Notice ("IIHS Comments") in which they stated that, to mitigate the risk of underride in rear-impacts of large trucks, Federal Motor Vehicle Safety Standards (FMVSS) 223 and 224 outline requirements for trailer rear underride guards, but that there are no existing requirements for side underride guards. NHTSA's report estimates that such a requirement would save 17 lives per year and prevent 69 serious injuries and would not be cost effective.

The IIHS Comments focus on the concern that NHTSA's report used overly restrictive criteria identifying relevant fatal crashes, had difficulties establishing whether underride occurred in specific crashes, and a misunderstood the relationship between crash severity and precrash travel speed. The IIHS Comments detail each concern and provide an alternative approach that IIHS believes produces a more realistic estimate for the number of lives that could be saved by side underride guards.

NAMIC found the IIHS Comments to be most comprehensive and authoritative. We believe that the IIHS comments indicate that the 2022 Report inclusion criteria may be overly restrictive, the method of establishing underride occurrence may not be complete, and the severity of crashes may have been understated.

NAMIC shares IIHS' conclusion that side underride guards have the potential to save many more lives than NHTSA has estimated in its cost-benefit analysis, and we join IIHS in urging NHTSA to perform a more thorough analysis based on the IIHS input and not depend on multiple assumptions that guards will provide no benefit outside a narrow range of conditions.

NAMIC has been most supportive of the work of NHTSA and has developed ongoing relationships with the professionals at NHTSA. We look forward to continuing this cooperation, but large truck side underride crashes result in hundreds of lost lives and debilitating injuries each year and we believe that equipping trailers with side underride guards would immediately and significantly reduce this unacceptable toll.

If you have any questions or require further information, please contact me at tkarol@namic.org. Thank you for your time and consideration.

A handwritten signature in blue ink, appearing to read 'TKarol', is positioned above the printed name.

Thomas J. Karol

General Counsel – Federal
National Association of Mutual Insurance Companies